

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

2024:PHHC:057125
CRM-M-19368 of 2024
Date of decision: 26.04.2024

GURCHARAN SINGH

..PETITIONER

VS.

STATE OF PUNJAB

..RESPONDENT

CORAM:HO’BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amandeep Singh Rai, Advocate for the petitioner.

Mr. Amit Chaudhary, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

1. This is the second petition filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in:-

FIR No.	Dated	Police Station	Sections
89	24.08.2019	Sudhar, District Ludhiana	302, 365, 364, 201, 120-B and 34 of IPC

2. Version of the prosecution is that FIR, Annexure P-1 has been registered on the statement of Ranjit Singh, father of Kuljeet Kaur (deceased) wherein he stated that his daughter was married to Gurcharan Singh (present petitioner) on 19.04.2018. She had estranged relations with her-in-laws and for the last almost one year she was living separately in a rented accommodation with the consent of her husband, who was working in the Army. Her husband used to meet her daily expenses and also stayed with her whenever he came on leave. It has been alleged that she has gone missing on 09.08.2019.

3. Counsel for the petitioner contends that the petitioner has been apprehended on 21.09.2019 on the basis of suspicion.

The entire prosecution case is built on petitioner's custodial statement, which is in admissible in evidence. He submits that the complainant unfortunately expired before he could be examined. He asserts that Gurmukh Singh (PW-5) who allegedly saw the petitioner and co-accused Lovepreet with the dead body, has been declared to be hostile. Referring to the report of the Forensic Science Laboratory (Annexure P-9), counsel urges that the DNA Test Report is inconclusive and the prosecution case has fallen flat. He submits that except, for the petitioner, all other accused have been released on bail.

4. Per contra, learned State counsel, upon instructions from ASI Gurdeep Singh, has opposed the petition. He submits that the petitioner strangled his wife and with the help of co-accused Lovepreet, buried her dead body. He submits that the two wheeler used for transporting the body has been recovered from the possession of the co-accused. He has instructions to state that the skeleton of the deceased has been recovered at the behest of the accused and 15 out of 31 prosecution witnesses have been examined. He has filed custody certificate, which is taken on record.

5. Having heard learned counsel for the parties, this Court is of the view that the involvement of the petitioner in homicide of his wife would be subject matter of debate before the Trial Court. Petitioner, who enjoys clean antecedents, has been in detention for the last more than fifty four months. Moreover, prosecution has not even examined half of the witnesses and there is a remote possibility of an early conclusion of the trial. Petitioner is, therefore, entitled to be released from detention during the pendency of the trial.

6. Without adverting to the merits or demerits of the arguments

furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

26.04.2024
Poonam Sharma

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No